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10/603,713

06/25/2003

Bruce Wallman

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01/17/2008

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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

4182

NOTIFICATION DATE

DELIVERY MODE

01/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 10/603,713 | Applicant(s) WALLMAN, BRUCE | |
| | Examiner Jaime F. Cardenas-Navia | Art Unit 4182 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>June 25, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This **NON-FINAL** office action is in response to applicant's submission filed on June 25, 2003. Currently claims 1-21 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on June 25, 2003 has been considered by the examiner.

Claim Objections

3. Claims 15-21 are objected to because of the following informalities: They all claim a program product stored on a recordable medium. However, it is unclear if the means are necessarily stored in a computer readable media and are in executable form. Applicant can overcome this objection by changing the claim language to:

A computer readable medium carrying executable code for assigning resources to tasks in a project plan, comprising: ...

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 6-9, and 13-16 are rejected under 35 U.S.C. 102(e)** as being anticipated by Hertel-Szabadi (US 2003/0236692).

As to claims 1 and 8, Hertel-Szabadi discloses a system and method for:

assigning human resources to tasks in a project plan (par. 7, lines 1-3 state “A project workforce management system defines project tasks, project positions, and assigns personnel to the project positions.”), comprising:

a database of people, wherein each person (resource) in the database includes an associated set of role capabilities (project positions) (claim 1, lines 6-8 state “generating a list of matching resources by comparing the requirements of the one or more project positions with a resource database.”);

a plan analysis system that analyzes the project plan and determines all of the roles required for the project plan (par. 18, lines 1-4 state “Proceeding to block 220, the requirements and tasks of the project 105 may be structured as project tasks 110 and the positions (roles) have to be estimated and structured as project positions 115.” Also, see Fig. 2, which shows the project position creation step.);

a matching system which, for each role, identifies a subset of people from the database who are capable of fulfilling the role (par. 20, lines 7-8 state “The engine may use filter functions to determine the available resources 120 to match with the project positions 115.” Also, see Fig. 3, which shows the filtering of eligible resources (people));

a selection system which, for each role, selects at least one person from the subset of people to fulfill the role (par. 23, lines 1-4 state “Proceeding to block 320, the program manager may now select a resource 120 from all the available resources. Because the filters were used, only qualified, available resources are shown.” Also see Fig. 3, which shows the resource selection step.); and

an allocation system that assigns people to a list of tasks for the project plan, wherein each task specifies at least one role, and each role specifies the at least one person selected to fulfill the role (par. 25, lines 2-5 state “the program manager may now assign a resource 120 to a project position 115. When a resource 120 that occupies a project position 115 is further assigned to a project task 110, this assignment is called deployment,” and par. 19, lines 5-8 state “The correlation describes what project position (role) 115 is responsible to work on a project task 110. It is possible to correlate one project position 115 to several project tasks 110.”).

As to claim 15, Hertel-Szabadi discloses:

A program product stored on a recordable medium for assigning resources to tasks in a project plan (par. 28, lines 1-2 state “These process 200 can be accomplished by a consulting manager or by a (potential) project manager using software on a computer), comprising:

The process disclosed in claim 15 is the same process disclosed in claims 1 and 8, and so is rejected using the same art.

As to claim 16, Hertel-Szabadi discloses that the resources comprise human resources (Abstract, lines 5-8 state “each project position may be assigned to a specific person...”).

As to claims 2 and 9, Hertel-Szabadi discloses a system and method wherein:
the selection system comprises a graphical user interface that allows a planner to select the at least one person (par. 28, lines 1-2 state “These process 200 can be accomplished by a consulting manager or by a (potential) project manager using software on a computer.” These process 200 includes the selection of at least one person to fill the role. It is inherent that the selection system would comprise a graphical user interface.).

As to claims 6 and 13, Hertel-Szabadi discloses a system and method wherein:
the matching system identifies the subset of people based on the role capabilities of the people in the database (par. 21, lines 1-7 state “Proceeding to block 310, the engine may further filter the resources by matching qualifications. ... The engine may compare the resource qualifications to the project position 115 requirements.”).

As to claims 7 and 14, the Hertel-Szabadi discloses a system and method wherein:
each person in the database further includes an associated set of attributes selected from the group consisting of: geographic location and division within an organization (par. 20, lines 9-13 state “In block 305, the engine filters the resources 120 according to their assignment to organizational units (e.g. to search only in certain departments). Thus, a program manager may choose to search the entire organization for a resource 120, or may limit the search to one or more departments.” Thus, it is inherent that division within an organization information is associated with each person in the database.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3-5, 10-12, and 17-21 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hertel-Szabadi (US 2003/0236692) as applied to claims 1, 2, 6-9, and 13-16, further in view of Bansal et al. (US 2007/0219842).

As to claims 3, 10 and 17, Hertel-Szabadi does not teach a system, method, and program product for splitting roles when multiple people are selected to fulfill a single role.

Bansal discloses a system and method for automatically splitting activities between multiple personnel (par. 58, lines 8-11 state “data may be allowed to span multiple cells in the same column (e.g., if two or more field service personnel are needed or recommended for a particular activity).” This is referring to a Gantt chart, shown in Fig. 2, in which multiple people are allotted a time for the same activity. Par. 58, lines 5-7 state “The data displayed in these cells may span multiple cells in the same row.” This is also referring to the Gantt chart shown in Fig. 2, in which the length of an activity scheduled to a person can span any timeframe).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable

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results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Hertel-Szabadi with the teachings of Bansal, motivated by the increased flexibility of being able to split roles among multiple people.

As to claims 4, 11, and 18, Hertel-Szabadi does not teach a system, method, and program product wherein the roles are split based on time.

Bansal discloses a system and method wherein activities are split based on time (par. 58, lines 8-11 state “data may be allowed to span multiple cells in the same column (e.g., if two or more field service personnel are needed or recommended for a particular activity).” This is referring to a Gantt chart, shown in Fig. 2, in which multiple people are allotted a time for the same activity. Par. 58, lines 5-7 state “The data displayed in these cells may span multiple cells in the same row.” This is also referring to the Gantt chart shown in Fig. 2, in which the length of an activity scheduled to a person can span any timeframe).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Hertel-Szabadi with the teachings of Bansal, motivated by the increased managerial oversight.

As to claims 5, 12, and 19, Hertel-Szabadi does not teach a system, method, and program product wherein by default, the roles are split equally among the multiple people selected to fulfill the single role.

Bansal discloses a system and method wherein by default, the activities are split equally among the multiple people selected to fulfill the single activity (because personnel are first chosen to fulfill an activity and then the activity is scheduled into the calendar, by default, personnel assigned to an activity split it equally based on time. par. 55, lines 7-10 state “The dispatcher may employ the Assignment Manager to make a cost-effective decision to assign and schedule the selected activity”).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Hertel-Szabadi with the teachings of Bansal, motivated by the advantage of saving time by not always having to designate the manner in which the activity is split between personnel.

As to claim 20, Hertel-Szabadi does not teach that the amount of time split among the multiple people is determined based on an input from a planner.

Bansal teaches a graphical user interface in which all activities are assigned and scheduled by an assignment manager (planner), including the time-based splitting of an activity among multiple personnel (Fig. 2).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the increased managerial oversight.

As to claim 21, Hertel-Szabadi does not teach a program product wherein the selecting means comprises a graphical user interface.

Bansal discloses a graphical user interface in which personnel are selected for an activity (Fig. 2).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in ease of use provided by employing a graphical user interface.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kraemer et al. (US 2002/0052773 A1) teaches a worker management system that solicits worker information to solicit a worker to staff a project. The attribute of geographic location is stored for each worker (claim 4).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime F. Cardenas-Navia whose telephone number is (571) 270-1525. The examiner can normally be reached on Mon-Fri, 7:30AM - 5:00PM EST, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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November 13, 2007

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Examiner, Art Unit 4182
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